

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID L. SCHAUER,

Plaintiff,

v.

BNSF RAILWAY, CO., A Delaware
Corporation

Defendant.

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CASE NO.: _____

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant BNSF Railway Company hereby removes to this Court the state court action described below.

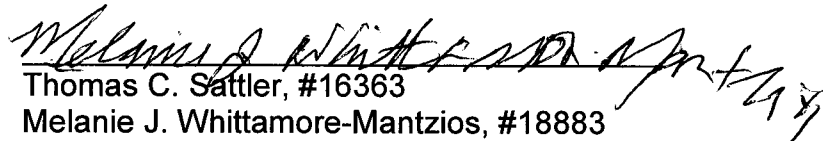
1. On November 28, 2007, an action was commenced in the Lancaster County District Court, Lincoln, Nebraska, entitled David L. Schauer, Plaintiff, vs. BNSF Railway Co., Defendant, case number CI 07-4921.
2. Defendant was served on November 30, 2007. Attached hereto as Exhibit "A" is a Summons received by the Defendant on November 30, 2007. This Notice is timely.
3. A copy of all process, pleadings and orders sent to the Defendant in the state court action are attached hereto as Exhibit "B".
4. This action is a civil action of which this Court has original jurisdiction and may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.*, which confers federal question jurisdiction.
5. Filed herewith is a request that the trial of this matter be held at Lincoln, Nebraska.

WHEREFORE, defendant BNSF Railway Company prays that this action be removed to the United States District Court for the District of Nebraska.

DATED this 28th day of December , 2007.

BNSF RAILWAY CO., Defendant.

By:


Thomas C. Sattler, #16363
Melanie J. Whittamore-Mantzios, #18883
WOLFE, SNOWDEN, HURD,
LUERS & AHL, LLP
Suite 800, Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
(402) 474-1507

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a true and correct copy of the foregoing Notice of Removal to Federal Court to be served upon the following by first class United States Mail, postage prepaid, on this 28th day of December, 2007 to:

Mark D. McGuire
McGuire & Norby
605 South 14th Street, Suite 100
Lincoln, NE 68508


Melanie J. Whittamore-Mantzios